

SECTION 1. STUDY AUTHORIZATION.

(a) **AUTHORIZATION.**—Pursuant to reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation, and in consultation and cooperation with the Arch Hurley Conservancy District and the State Engineer in New Mexico, is authorized to conduct a study to determine the feasibility of implementing a water conservation project that will minimize water losses from the irrigation conveyance works of the Arch Hurley Conservancy District, and to consider—

(1) options for utilizing any saved water made available from the conservation project including the possible conveyance of such water, in accordance with State law, to the Pecos River basin to address water supply issues in that basin;

(2) the impacts that the conservation project could have on the local water supply in and around the Arch Hurley Conservancy District and any appropriate mitigation that may be necessary if the project is implemented; and

(3) appropriate cost-sharing options for implementation of the project based on the use and possible allocation of any conserved water.

(b) REPORT.

(1) Upon completion of the feasibility study authorized by this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the study.

(2) In developing the report, the Secretary shall utilize reports or any other relevant information supplied by the Arch Hurley Conservancy District or the State Engineer in New Mexico.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) **AMOUNT.**—There are authorized to be appropriated \$500,000 \$2,500,000 to carry out this Act.

(b) COST SHARE.

(1) The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total, except that the Secretary of the Interior is authorized to waive or limit the required non-Federal cost share for the feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the Arch-Hurley Conservancy District, that the District is unable to contribute such required share.

(2) The Secretary of the Interior may accept as part of the non-Federal cost share the contribution of such in-kind services by the Arch Hurley Conservancy District as the Secretary determines will contribute substantially toward the conduct and completion of the study.

The committee amendment was agreed to.

The bill (S. 1071), as amended, was read the third time and passed.

VALLES CALDERA PRESERVATION ACT OF 2004

The Senate proceeded to consider the bill (S. 1582) to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.]

[This Act may be cited as the “Valles Caldera Preservation Act of 2003”.]

[SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.]

[(A) **TRUST EMPLOYMENT.**—Section 106(d) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(d)) is amended—

[(1) in paragraph (1)—

[(A) by striking “The Trust” and inserting the following:

[(“(A) **APPOINTMENT.**—The Trust”];

[(B) by inserting after the first sentence the following:

[(“(B) **CONTRACT OR EMPLOYMENT AGREEMENT.**—Employees of the Trust may be employed under an employment agreement, the terms and conditions of which shall be determined by the Trust subject to this subsection.”]; and

[(C) by striking “No employee” and inserting the following:

[(“(C) **MAXIMUM COMPENSATION.**—No employee”]; and

[(2) in paragraph (2)—

[(A) in subparagraph (A), by striking “shall” each place it appears and inserting “may”]; and

[(B) by adding at the end the following:

[(“(C) **ELIGIBILITY FOR COMPETITIVE SERVICE.**—

[(“(i) **IN GENERAL.**—An employee of the Trust shall not be precluded from consideration for a position in the competitive service that is open to other Federal employees.

[(“(ii) **CLASSIFICATION AND PAY RATE.**—In considering an employee of the Trust for a position in the competitive service under clause (i), the employing agency shall consider a position with the Trust to be comparable in classification and General Schedule pay rates to a similar position in the competitive service.”.]

[(b) **OBLIGATIONS AND EXPENDITURES.**—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(e)) is amended by adding at the end the following:

[(“(4) **OBLIGATIONS AND EXPENDITURES.**—Subject to the laws applicable to Government corporations, the Trust shall determine—

[(“(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

[(“(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.”.]

[(c) **SOLICITATION OF DONATIONS.**—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(g)) is amended by striking “The Trust may solicit” and inserting “The members of the Board of Trustees and any employees of the Trust designated by the Board of Trustees may solicit”.]

[(d) **USE OF PROCEEDS.**—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(h)(1)) is amended by striking “subsection (g)” and inserting “subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999.”.]

[(e) **CLAIMS AND JUDGMENTS.**—Section 106(j) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(j)) is amended—

[(1) in the first sentence, by striking “The Trust” and inserting the following:

[(“(1) **IN GENERAL.**—The Trust”]; and

[(2) by adding at the end the following:

[(“(2) **PERMANENT JUDGMENT APPROPRIATION.**—During any fiscal year in which funds have been appropriated to the Trust or the Secretary to carry out this title, the Trust shall not be precluded from using the permanent judgment appropriation under section 1304 of title 31, United States Code, for a claim, judgment, or settlement against the Trust or the Secretary in the name of the United States.”.]

[SEC. 3. BOARD OF TRUSTEES.]

[Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v-5(e)) is amended—

[(1) in paragraph (2), by striking “Trustees” and inserting “Except as provided in paragraph (3), Trustees”; and

[(2) in paragraph (3)—

[(A) by striking “Trustees” and inserting the following:

[(“(A) **SELECTION.**—Trustees”]; and

[(B) by adding at the end the following:

[(“(B) **COMPENSATION.**—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

[(“(C) **MAXIMUM RATE OF PAY.**—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”.]

[SEC. 4. RESOURCE MANAGEMENT.]

[(a) **PROPERTY DISPOSAL LIMITATIONS.**—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(c)(3)) is amended—

[(1) in the first sentence, by striking “The Trust may not dispose” and inserting the following:

[(“(A) **IN GENERAL.**—The Trust may not dispose”];

[(2) in the second sentence, by striking “The Trust” and inserting the following:

[(“(B) **MAXIMUM DURATION.**—The Trust”];

[(3) in the last sentence, by striking “Any such” and inserting the following:

[(“(C) **TERMINATION.**—The”]; and

[(4) by adding at the end the following:

[(“(D) **EXCLUSIONS.**—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.”.]

[(b) **LAW ENFORCEMENT AND FIRE MANAGEMENT.**—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(g)) is amended—

[(1) in the first sentence, by striking “The Secretary” and inserting the following:

[(“(1) **LAW ENFORCEMENT.**—The Secretary”];

[(2) in the second sentence, by striking “The Trust” and inserting the following:

[(“(B) **FEDERAL AGENCY.**—The Trust”]; and

[(3) by striking “At the request of the Trust” and all that follows through the end of the paragraph and inserting the following:

[(“(2) **FIRE MANAGEMENT.**—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide, under a cooperative agreement entered into between the Secretary and the Trust—

[(“(A) fire suppression and rehabilitation services; and

[(“(B) wildland fire severity funding for extraordinary fire preparedness.”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Valles Caldera Preservation Act of 2004”.

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) **ACQUISITION OF OUTSTANDING MINERAL INTERESTS.**—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-2(e)) is amended—

(1) by striking “The acquisition” and inserting the following:

“(1) **IN GENERAL.**—The acquisition”;

(2) by striking “The Secretary” and inserting the following:

“(2) ACQUISITION.—*The Secretary*”;
 (3) by striking “on a willing seller basis”;
 (4) by striking “Any such” and inserting the following:

“(3) ADMINISTRATION.—Any such”; and
 (5) by adding at the end the following:

“(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

“(5) DECLARATION OF TAKING.—

“(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

“(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.”.

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(e)) is amended by adding at the end the following:

“(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

“(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

“(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.”.

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(g)) is amended by striking “The Trust may solicit” and inserting “The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit”.

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v-4(h)(1)) is amended by striking “subsection (g)” and inserting “subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999.”.

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v-5(e)) is amended—

(1) in paragraph (2), by striking “Trustees” and inserting “Except as provided in paragraph (3), trustees”; and

(2) in paragraph (3)—

(A) by striking “Trustees” and inserting the following:

“(A) SELECTION.—Trustees”; and

(B) by adding at the end the following:

“(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

“(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”.

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(c)(3)) is amended—

(1) in the first sentence, by striking “The Trust may not dispose” and inserting the following:

“(A) IN GENERAL.—The Trust may not dispose”;

(2) in the second sentence, by striking “The Trust” and inserting the following:

“(B) MAXIMUM DURATION.—The Trust”;

(3) in the last sentence, by striking “Any such” and inserting the following:

“(C) TERMINATION.—The”; and

(4) by adding at the end the following:

“(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.”.

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(g)) is amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) LAW ENFORCEMENT.—

“(A) IN GENERAL.—The Secretary”;

(2) in the second sentence, by striking “The Trust” and inserting the following:

“(B) FEDERAL AGENCY.—The Trust”;

(3) by striking “At the request of the Trust” and all that follows through the end of the paragraph and inserting the following:

“(2) FIRE MANAGEMENT.—

“(A) NON-REIMBURSABLE SERVICES.—

“(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

“(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

“(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

“(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.”.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1582), as amended, was read the third time and passed.

MANHATTAN PROJECT NATIONAL HISTORICAL PARK STUDY ACT

The Senate proceeded to consider the bill (S. 1687) to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the “Manhattan Project National Historical Park Study Act of 2003”.

SEC. 2. FINDINGS.

[Congress finds that—

“(1) the Manhattan Project, the World War II effort to develop and construct the world’s first atomic bomb, represents an extraordinary era of American and world history that—

“(A) included remarkable achievements in science and engineering made possible by in-

novative partnerships among Federal agencies, universities, and private industries; and

“(B) culminated in a transformation of the global society by ushering in the atomic age;

“(2) the Manhattan Project was an unprecedented \$2,200,000,000, 3-year, top-secret effort that employed approximately 130,000 men and women at its peak;

“(3) the Manhattan Project sites contain historic resources that are crucial for the interpretation of the Manhattan Project, including facilities in—

“(A) Oak Ridge, Tennessee (where the first uranium enrichment facilities and pilot-scale nuclear reactor were built);

“(B) Hanford, Washington (where the first large-scale reactor for producing plutonium was built);

“(C) Los Alamos, New Mexico (where the atomic bombs were designed and built); and

“(D) Trinity Site, New Mexico (where the explosion of the first nuclear device took place);

“(4) the Secretary of the Interior has recognized the national significance in American history of Manhattan Project facilities in the study area by—

“(A) designating the Los Alamos Scientific Laboratory in the State of New Mexico as a National Historic Landmark in 1965 and adding the Laboratory to the National Register of Historic Places in 1966;

“(B) designating the Trinity Site on the White Sands Missile Range in the State of New Mexico as a National Historic Landmark in 1965 and adding the Site to the National Register of Historic Places in 1966;

“(C) designating the X-10 Graphite Reactor at the Oak Ridge National Laboratory in the State of Tennessee as a National Historic Landmark in 1965 and adding the Reactor to the National Register of Historic Places in 1966;

“(D) adding the Oak Ridge Historic District to the National Register of Historic Places in 1991;

“(E) adding the B Reactor at the Hanford Site in the State of Washington to the National Register of Historic Places in 1992; and

“(F) by adding the Oak Ridge Turnpike, Bear Creek Road, and Bethel Valley Road Checking Stations in the State of Tennessee to the National Register of Historic Places in 1992;

“(5) the Hanford Site has been nominated by the Richland Operations Office of the Department of Energy and the Washington State Historic Preservation Office for addition to the National Register of Historic Places;

“(6) a panel of experts convened by the Advisory Council on Historic Preservation in 2001 reported that the development and use of the atomic bomb during World War II has been called “the single most significant event of the 20th century” and recommended that various sites be formally established “as a collective unit administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service”;

“(7) the Advisory Council on Historic Preservation reported in 2001 that the preservation and interpretation of the historic sites of the Manhattan Project offer significant value as destinations for domestic and international tourists; and

“(8) preservation and interpretation of the Manhattan Project historic sites are necessary for present and future generations to fully appreciate the extraordinary undertaking and complex consequences of the Manhattan Project.

SEC. 3. DEFINITIONS.

[In this Act:

“(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.